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Jessica Botford

Civ. Pers.

**DECISION**



**THE COMPTROLLER GENERAL  
OF THE UNITED STATES  
WASHINGTON, D. C. 20548**

FILE: **B-130230**

DATE: **NOV 30 1976**

MATTER OF:

**Albert Salloom - Real estate expenses**

**DIGEST:**

Employee transferred to Wiesbaden, Germany from Westover AFB, Massachusetts, with reemployment rights back to Westover, is not entitled to reimbursement for real estate expenses incurred in sale of home in Massachusetts and purchase of home in California when employee is reemployed at Travis AFB, California, instead of Westover since regulations require old and new duty stations be located within U.S., its territories and possessions, District of Columbia, Puerto Rico, or the Canal Zone. The actual transfer is to be considered in applying the limitations, not what could have occurred at some earlier time.

This action is in response to a letter dated February 10, 1976, from the Accounting and Finance Officer, Headquarters, 60th Military Airlift Wing, Travis AFB, California, forwarded by Headquarters, Department of the Air Force, requesting an advance decision as to whether Mr. Albert Salloom an employee of the Department of the Air Force, is entitled to reimbursement for real estate expenses under the circumstances described. The request was assigned Control No. 76-8 and forwarded to our Office by the Per Diem, Travel and Transportation Allowance Committee by endorsement dated April 2, 1976.

The record shows that Mr. Salloom was transferred from Westover AFB, Massachusetts, to Wiesbaden, Germany. He had reemployment rights at Westover AFB but his position there was abolished while he was in Germany. His reemployment rights were transferred to Griffiss AFB, New York, but there were no positions open at that site when he completed his tour of duty in Germany. He was eventually assigned to Travis AFB, California, and on August 15, 1973, was issued an authorization for travel by himself and his family from Wiesbaden to Travis AFB.

On December 24, 1974, Mr. Salloom presented a claim for reimbursement of real estate expenses he incurred in the purchase

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of a home near Travis AFB. The claim was paid but was subsequently collected through payroll deductions when it was determined that payment of real estate expenses was not authorized in Mr. Salloom's permanent change of station order, and that para. C8351-2 Vol. 2, of the Joint Travel Regulations prohibits such payments to employees transferred from a duty post outside the United States.

Section 2-6.1 of the Federal Travel Regulations (FPMR 101-7) (May 1973) provides in pertinent part as follows:

"Conditions and requirements under which allowances are payable. To the extent allowable under this provision, the Government shall reimburse an employee for expenses required to be paid by him in connection with the sale of one residence at his old official station, for purchase (including construction) of one dwelling at his new official station \* \* \* Provided, That:

"a. \* \* \* A permanent change of station is authorized or approved and the old and new official stations are located within the 50 States, the District of Columbia, the territories and possessions of the United States, the Commonwealth of Puerto Rico, or the Canal Zone \* \* \*."

It is stated since Mr. Salloom had contractual rights to return to Westover AFB (and thereupon resume ownership of a local residence) he assumed that the closure of Westover AFB automatically transferred his rights, and that he would be entitled to payment of real estate expenses for both the sale and purchase of a home.

In our decision B-169490, October 9, 1975, involving similar circumstances to those presented here, we held that the fact an employee on duty overseas had return rights to his old official station in the United States did not make his return from a foreign country to a different official station in the United States such as to qualify him for house purchase expenses under section 2-6.1, supra. Rather, we held that the actual transfer, as in Mr. Salloom's case from Wiesbaden to Travis AFB, is to be considered in deciding whether the exclusion in section 2-6.1, supra, applies, and a transfer which could have occurred at some earlier time but which did not occur may not be construed as equivalent to the transfer which did in fact take place.

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Since Mr. Salloom returned directly to Travis AFB from Wiesbaden, a place outside the United States, he is not entitled to reimbursement of the house purchase expense nor is he entitled to reimbursement of the expense of the sale of his residence at Westover AFB.

R.F. KELLER

Deputy Comptroller General  
of the United States